

¹²¹²
S & PA (1942) Department.

RT SERIES.

G.O. No.	445 P.P. A
	31.03. P.H
Dated	11-9-42

bluses
in

29

010B

[Despatch Abstract.]

Chief - Bellary Tel. Co. - W. V. V. V.
 Supervisor - Mr. S. S. Rangamallan
 Amount - Permission Mr.
 Containment - not necessary

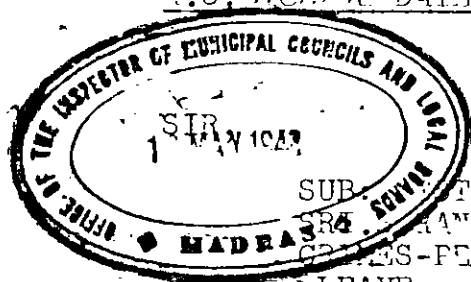
PRO. B.C. 3182/48,
Municipal Commissioner,
Bellary Municipality,
BELLARY.

TO THE SECRETARY TO GOVERNMENT,
LOCAL ADMINISTRATION DEPARTMENT,
MADRAS.

R.C. 3182/48 DATED 14-5-1948

THROUGH *Sri Muddur Gangay*
CHAIRMAN, MUN. COUNCIL,
BELLARY.

THROUGH THE INSPECTOR OF MUNICIPAL
COUNCILS AND LOCAL BOARDS, MADRAS.



SUB. ESTABLISHMENT - SUPERVISOR, WATER WORKS -
SRI. RANGANATHAN - ARREST UNDER SECTION 304-A, LAW OF
CRIMES - PERMISSION FOR ENTERTAINMENT AFTER CANCELLATION OF
LEAVE - REQUESTED.

REF: LETTER DATED 10-5-48 FROM MUNICIPAL ENGINEER, BELLARY.

In submitting herewith a copy of the letter dated
10-5-48 from the Municipal Engineer, Bellary, I beg to state
that the following are the facts.

Monday
On 19-4-48 at about 4-45 P.M. a phone message was
received by the manager, Municipal Office to the effect that
the Municipal rubbish lorry which was conveying 10 drums of
disel oil from the electric power house to Hagari water works
tumbled on the road at about 2½ miles from Bellary and that
one young cooly was in a serious condition and that 5 others
were injured. Immediately, myself, the Municipal Engineer
and the Manager rushed to the scene of accident in the Ambula
Car of the Fire Service Department and found that one man was
dead and five others severely injured. They were all removed
to the Head Quarters' Hospital and admitted there. Immediate
the fact about the death and the accident was reported to
the District Magistrate and the District Superintendent of
Police on phone from the Hospital. The Local Sub-Magistrate
and the Police later on arrived in the Hospital and recorded
statements from the injured and took up the investigation.

The facts of the case and the damages caused to the
Municipal Property as reported by the Municipal Engineer,
Bellary, have been reported in this Office reference C.L. 3182/48
Dated 26-4-48 to the Inspector of Municipal Councils and
Local Boards, Madras; Deputy Inspector of Municipal Councils
and Local Boards, Central Range, Vellore; Examiner of Local
Fund Accounts, Madras, and to the District Inspector of Local
Funds Accounts, Bellary.

Full facts of the case have also been reported to the Council and the Council ~~Resolution~~ in its Resolution at an urgent meeting convened for the purpose on 5-5-48 No. 231 dated 5-5-48 (enclosed) authorised the Commissioner to get the lorry repaired by inviting tenders and pay the bill, pending the fixation of responsibility for the damage, till the disposal of the Criminal case pending in the court of the First class Magistrate, Bellary. The Council also recommended to the Commissioner to withhold departmental action in the matter as it is subjudice.

Accordingly, tenders are being invited and action taken for the repair of the lorry. I have also consulted the Municipal Legal Adviser in this matter and a copy of his opinion dated 11-5-48 is enclosed. While the matter was pending at this stage, the above report of the Municipal Engineer was received.

From the letter No. Nil dated 20-4-48, Copy enclosed it will be seen that on the night of 19-4-48, the Police have arrested Sri. S. Ranganathan, Water Works' Supervisor of the Municipality as he was the accused in the above case and was released on bail. Sri. S. Ranganathan was on leave on medical grounds on the date of accident. The leave granted to him in this office reference ~~42~~ C.1.1195-48 dated 10-2-48 expired by 30-4-48 and he has extended it by one month on Medical certificate. Under instruction 1 of rule 54 of Fundamental rules, a Government servant who has been committed to prison either for debt or on a criminal charge should be considered as under suspension from the date of his arrest. The question of granting him further leave has been referred to the District Inspector of Local Fund Accounts, Bellary, and his reply is awaited.

The Water Works' Supervisor is due to duty on 29-5-48 after expiry of the present leave applied for by him. He has to be considered under suspension under instruction 1 to rule 54 of the Fundamental Rules till the termination of the proceeding against him, unless the rule is relaxed by Government in his favour as suggested by the Municipal Engineer.

~~In view of the circumstances explained by the~~

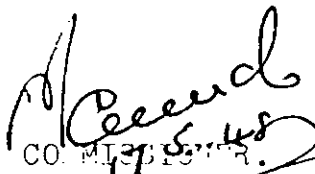
Particulars
P 154
No 40

In view of the circumstances explained by the Municipal Engineer, I request that the Government may be pleased to relax Fundamental Rule 54 (Instruction 1) in favour of the later Working Supervisor and permit him to join duty soon after the expiry of the leave applied for by him i.e., on 29-5-48, treating this as a special case. Necessary departmental action will be taken soon after the disposal of the case by the Magistrate.

In this connection I beg to add that I was neither consulted nor my orders obtained in any of these matters and that I came to know of this incident only on receipt of the phone message through the Municipal Office Manager on 19-4-48 at 4-45 P.M.,

I request the favour of very early orders in the matter.

ENCS: 4.


COMMISSIONER
17/5/48

F O R W A R D E D.

CHAIRMAN, MUNICIPAL COUNCIL, BELTUV.

NOTE TO THE COMMISSIONER.

SUB: ESTABLISHMENT - WATER WORKS' SUPERVISOR -
SRI.S.RANGANATHAN, ACTION OF DUTY - REQUESTED.

In connection with the accident to the Municipal Lorry conveying ten drums of diesel oil to Hagari Headworks from Balla on 19-4-48, Sri.S.Ranganathan, Water Works' Supervisor on leave was arrested on the night of 19-4-48 and was released later on bail.

The Supervisor Sri.S Ranganathan was on earned leave on Medical certificate upto 30-4-48 and has since extended his leave by another month.

It is understood that charge sheet is being filed against him and it is not likely to be disposed of shortly and may take a long period of six months and more to be finally settled.

With reference to instruction No.1 under Fundamental Rule No.54 it may perhaps be necessary to consider him under suspension from the date he returns to duty. I had taken charge on 5-5-48 and am being acquainted myself fully with all the water supply and other systems relating to the Engineering Section of this town. The water works Supervisor went on leave from 1-3-48 and for want of an experienced and qualified substitute the appointment Committee placed my predecessor in additional charge of the post of the Water Works' Supervisor during the period of his leave. In this connection I am given to understand from the records in the office that my predecessor has requisitioned the services of the Water Works' Supervisor often during his leave to assist him and it was perhaps in the discharge of his ~~and~~ duties to maintain the water supply without break down and to safeguard the interests of the town, the unfortunate accident occurred and consequently the water works' Supervisor was arrested.

THE water Works" Supervisor though on leave has acted in a very good faith and with the best intention to maintain the water supply without a breakdown and to keep the prestige of the Council and the administration.

If on his return from leave he is to be kept under suspension it would mean that the municipality will be deprived of the services of the water works' Supervisor whose presence at duty is absolutely essential if the supply to the town as well as the various defence departments is to be continued without any interruption. As things stand it is also not possible to find a suitable and efficient substitute in his place in view of dearth of technical hands.

The sanctioned strength of the engineering establishment of this Municipality is only 2 posts namely one Supervisor for water works and one Overseer for the Public Works and the Post of Draftsman was not filled up for want of a suitable qualified hand. The assistance of the Supervisor is taken now and then for the Public Works' side of this Municipality due to nonavailability of technically qualified persons and as such the service of water works Supervisor cannot be foregone as he has been found to be an asset to the Council and the administration in the past. It may not be humanly possible for me or to anybody else to attend to the entire works without some efficient assistance. Further it is a known fact that the water supply system of this town is an old one and the bursts on the main have become a common feature apart from the wornout conditions of the Engines and plants at Kx Headworks which are giving constant trouble. This requires the services of an efficient, vigilant supervisor and the present water works Supervisor with his experience in water works for about 12 years is the most fitting one to attend to all these duties without giving any anxiety either to the administration or to the Council.

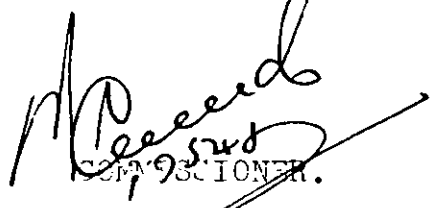
The offence is not involving his moral turpitude and was only an accident which anybody has to face in such circumstances (note G.O.1406 L.A. dated 13-8-47) and on the otherhand he took the best step to safeguard the watersupply to the town. The Council at its

its meeting held on 5-5-48 was also pleased to recommend to the Commissioner not to take any departmental action till the result of the case which is s pending is settled. Hence ~~in~~ in the circumstances explained above I strongly recommend that in the interests of the Municipal Administration and efficient upkeep of waterworks in particular and other works in general the water works supervisor is kept on duty by placing the Matter before the Council and requesting the Government to relax the rule Fundamental Rule 54 (1) in his favour as per G.O.3111 L.A. dated 12-11-41 as a special case so that he can be continued on duty till the case against him is disposed off.

As his present leave expires by 29-5-48, I request that immediate action may please be taken to obtain the orders of the Government before that date to enable him to join duty.

(Sd.) D.Rama Rao, 10-5-48.
Municipal Engineer.

/True Copy/


COMMISSIONER.
1948

-X-X-

REF: MOTOR LORRY ACCIDENT - REF. FOR OPINION THEREON.

In view of the resolution of the Municipal Council, I am of opinion that as the matter is sub-judice, further action may be deferred.

2. The question of the liability of the Municipal Council for the action of its servants is a mixed question of Law and fact. Until the facts are properly ascertained no opinion can at present be given. So this matter also may be deferred until there is a judicial finding on the facts.

3. Some reply has however to be given to the notice claiming damages. Reply may be given in the following terms:

"The allegations are not admitted. The lorry in question is a Municipal Rubbish Lorry and the same was not authorised to be used for any other purposes by any Municipal authority competent to issue such orders. When there is a licensed and competent driver for the Municipality no one else could be authorized to drive; The Municipal Council cannot be vacariously liable and the question of who is liable if any and for what amount can only be determined after the disposal of the matter in a competent Court. As the matter is sub-judice nothing further could be said about it now except disclaiming any liability. The notice will however be placed before the Municipal Council and their considered views in the matter communicated later."

4. The file is herewith returned.

(Sd.) K.Kesava Rao, 11-5-48.
Legal Adviser, Bellary.

/True Copy/

K. Kesava Rao
LEGAL ADVISER.
11/5/48

of the municipal Council, Bellary
PROCEEDINGS OF THE URGENT MEETING HELD ON 5-5-1948 ~~XXXX~~ IN THE
MUNICIPAL OFFICE, BELLARY.
-X-X-X-X-X-X-X-X-X-

COUNCIL RESOLUTION NO. 831 DATED 5-5-1948.

READ (1) Office note stating that the Municipal Rubbish Lorry while ~~dam~~ engaged in the conveyance of diesel oil from the Power House to Haveri water works has met with an accident which resulted in the death of one gang cooly and injuries to five others and the injured and the dead were removed to the Headquarters' Hospital in the Fire Service Ambulance Car and the needful done and that the estimated damage to the lorry would be about Rs.500/- and that the case is under investigation.

(2) The connected papers thereon.

RESOLUTION:

THE COUNCIL authorizes the Commissioner to get the lorry repaired by inviting tenders and pay the bill pending the fixation or responsibility for the damage till the disposal of criminal case pending in the Court of 1st Class Magistrate.

The Council recommends to the Commissioner to withhold departmental action in the matter as it is subjudice.

(Sd.) M.Gangappa, 5-5-48.
Chairman, M.C.

/True Copy/


COMMISSIONER.

9/14/50

True copy of the letter Dated 20-4-48 of the Inspector of the Police, addressed to the Municipal Commissioner, Bellary.

-X-X-X-

Ref: Brucepet - Town station Cr.No.138/48 Sec.304 A.I.P.C.
Arrest of S.Ranganathan - intimated.

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This is to inform you that S.Ranganathan, The Water Works' Supervisor, Bellary Municipality was arrested on the night of 19-4-48 in the above case as he was the accused and released on bail.

/True Copy/

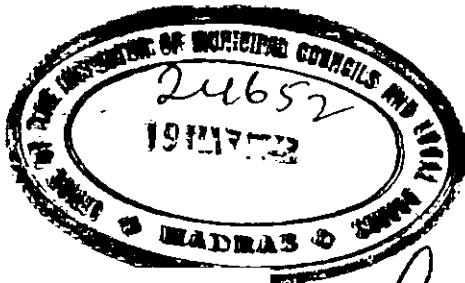

COMMISSIONER
8/15/48

Forwarded. and recommended.

2) The Supervisor was on medical leave from 1.3.48 during which period the Municipal Engineer was in additional charge. It is understood though the Supervisor was on leave the Municipal Engineer sent for him and asked him to convey the diesel oil to the Head Works at Hagari in view of urgency, during which period the unfortunate accident has occurred.

3). In view of constant break down in the water supply and as he is the only person who can manage the situation efficiently with his long experience, it is requested that necessary relaxation of the rules referred to may be accorded as a special case.

M. S. S. S.
Municipal Chairman. 18-5-48

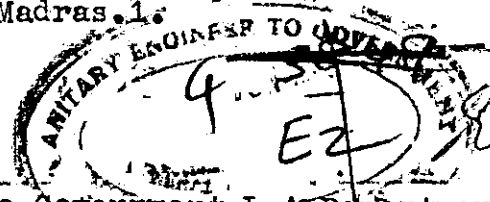


P. B.

Ec 8022

Office of the Inspector of Ml.Cls & Local Boards, Madras.

L.Dis.24652-48 dated 2.6.48.



Forwarded to the Secretary to Government-L.A. Department, Madras, through the Chief Engineer, Public Works Department, Madras.

Accumulated
26/6

For Inspector.

To the Secretary to Government,
Local Administration Department, Madras.
Through
The Chief Engineer, Public Works Department, Madras.

Chief Engr

TPR/3/6

Endorsement

4448 E. 1/48-1 A 9.6.48.
Referred to the Sanitary Engr
for very early remarks

To the Sanitary Engr

D. S. K.

VE
Def/De
24/6

X Radhakrishnan

5/6/48

(P T O)

VERY URGENT.

Office of the Sanitary Engineer to Government,
Chepauk, MADRAS.

ENDORSEMENT NO. 8022 - 1 / 48 E.C., DATED THE 18TH JUNE 1948.

. F o r w a r d e d . .

2. I do not support the request of the Commissioner. The Municipal Commissioner may be advised to take action to fill the post of Water Works Supervisor by a suitable hand either by transfer from a neighbouring municipality or by advertisement.

M. S. Srinivasan
23/6/48

For SANITARY ENGINEER TO GOVERNMENT

MSR/22.6.1948).

To

The Chief Engineer, P. W. D.,
(General), Chepauk, MADRAS.

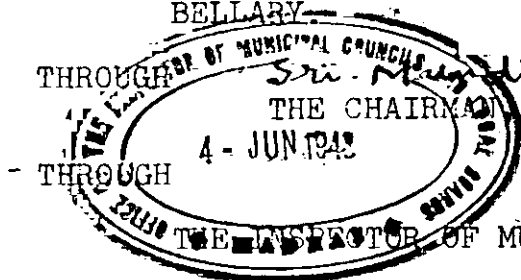
2.

FROM SRI.M.C.DANIEL,
MUNICIPAL COMMISSIONER
BELLARY MUNICIPALITY,
BELLARY.

TO

THE SECRETARY TO GOVERNMENT,
LOCAL ADMINISTRATION DEPARTMENT,
M A D R A S.

THROUGH *Sri. M. S. Gangaappa*
THE CHAIRMAN, MUNICIPAL COUNCIL, BELLARY.



THROUGH

THE INSPECTOR OF MUNICIPAL COUNCILS AND LOCAL BOARDS,
M A D R A S.

27323 C.1.3182/48 Dated 31-5-48.

SIR,

SUB: ESTABLISHMENT - SUPERVISOR WORKS - SRI.S.RANGANATH
ARREST UNDER SECTION 304-A Law of Crimes Permission for
Reentertainment.

REF: C.R.NO.856 dated 29-5-48.

In continuation of this Office Reference C.1.3182-48
dated 14-5-48, I submit herewith a copy of Council's
Resolution No.856 dated 29-5-48 requesting the Government
to relax Fundamental Rules 54 in favour of Sri.S.Ranganathan,
Water Works' Supervisor of this municipality, for favour of
very early orders. The Supervisor has extended his leave on
Medical Certificate for one more month and the reference to
of the District Inspector of Local Fund Accounts with regard
to the grant of leave is awaited. I am ~~am~~ reminding him in
the matter.

APS. *S*

Enc: C.R.856 dated 29-5-48.

Approved
COMMISSIONER.

F O R W A R D E D.

Gangaappa 1.6.48
CHAIRMAN, MUNICIPAL COUNCIL, BELLARY.

Office of the Inspector of Local Boards

P.T.O.

N.O. 27323/48 dated 10-6-48

*Forwarded to the Secretary to Government
Local Administration Department,
through the Chief Engineer P.W.D.
Madras, in continuation of this office
L.O. 24652/48 dated 2-6-48.*

*To the Secretary to Govt. L.A. Dept. of P.W.D. Madras
Chief Engineer P.W.D. Madras*

PROCEEDINGS OF THE COUNCIL MEETING HELD ON 29th MAY 1948
IN THE MUNICIPAL OFFICE, BELLARY.

C.R. 856 Dated 29-5-48.

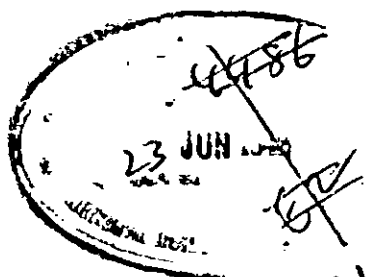
Read. Correspondence ending with letter No.C.1.3182-48 dated 14-5-48 to the Secretary to Government, Local Administration Department requesting the Government to relax the Rule (Fundamental Rule 54 Inst.1) in favour of Sri S. Ranganathan, Water Works Supervisor who was involved in the recent lorry accident and to permit him to join duty after the expiry of the leave on Medical certificate applied for by him in view of the circumstances explained in the Municipal Engineer's letter 10-5-48 and the note dated 18-5-48 of the Chairman, thereon placing the subject before the Council.

Resolution:

This Council in appreciating the services rendered by Sri S. Ranganathan, Water Works Supervisor to the Council even during his leave period, requests the Government to relax fundamental rule No. 54 in his favour as a Special case as his assistance is quite essential in the interest of the proper water supply to the town.

(Sd.) M. Gangappa,
29-5-48.
Chairman, M.C.

/True Copy/



Accepted
COMMISSIONER.

General.

F

No

P-12a
P-13a
48 P-14a

SECRETARY TO GOVERNOR
Sub:
12 AUG 1944
6.8.44
FORWARDED
TO ALL PUBLIC AGENCIES

P-12 mm

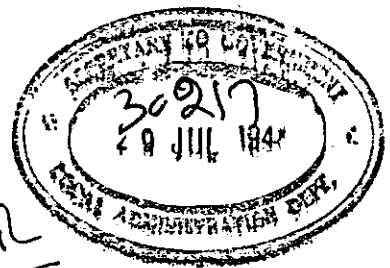
58781

K. R. S. K. S. K.

30/11/2018

V62
4/8/48.

LAD (F)
Wahneema Lubiano
supervisor



- E of P. H. D.

C. No 5874/48 Sub: Est - Bellary M.C.C. - W. Works.
Supervisor - S. Ranganathan -
Address - Permission for
maintenance ~~is~~ ^{Not necessary.} ~~is~~ ^{is} ~~is~~ ^{is}

P 104

From the Commr, Bellary M.C.C.,

3182/48 d. 14.5.48

P-1204

Inspector of M.C.C. of K. P. D.

P. O. No 24652/48 d. 2.6.48

P 1404

Commr, Bellary M.C.C. G.I. 3182
d. 31.5.48

P 1602

G. I. P. W. D. (L. P.) Under

No. 4446/48 d. 23.7.48

Order 3103 P. H. dated 11.8.48
n

The Commr, Bellary
M.C.C. is informed that.

the question of relaxation of F. R. 54
 does not arise once the ^{high marks} ~~score~~
 period is released on bail and thereafter
 Harpootian has no objection to
 his being continued in service
 and on duty.

P. L. D. 3

am
 8.9.48
 av
 8.9.48

10/9/48
 10/9/48

To
 Mr. Commander
 Bellary Dist
 Mr. Chairman
 Mr. E. P. W. D.
 Mr. Inspector
 Mr. L. D. D.

S/C

C.No. 5875/48. Sub: Esst - Bellary n.e.e - water
 Works-Supervisor - Sri. Ranganathan
 Arrest - Permission for
 re-entertainment - not granted.
 From the Commr, Bellary City R.O.
 3182/48 d. 14.5.48
 Inspector of Fields of L. Bd
 E. Dis. 24602/48 d. 2.6.48
 Commr, Bellary City G.I.
 3182/48 d. 21.5.48
 C. E, P. V. D (Eg) Bd
 No. 444831/48-2. d. 23.7.48

Not to be
 issued.
 Not to be
 issued.

p-164
 16.11.48 No. 1524
 P. No 40

Orders
TH

P.H. dated

The Govt see
 no reason to comply with the
 request of the Commr, Bellary
 City to relax J.R. 54 in favour
 of the Supervisor concerned.
 2. The Commr is
 requested ~~advised~~ to take action to fill
 up the post of Water-Works
 Supervisor by a suitable ^{person} ~~board~~
 either by transfer from a
 neighbouring city or by advertisement.

The Commr,
 Bellary City
 Mrs. Subhanna
 The C. E. P. V. D
 (Eg)
 The Inspector of
 Fields of L. Bd
 S/c

11/8/48
 11/48

Note: Please see
 the letter of the Commr, Bellary
 City on p-p 1-30.6. The S. E. at

the C. E. do not support the
request of the Commr to relax
F.R. 54 in favour of the Supervisor.
Their view may be agreed to.

PP 13/9/48

Subject to orders
the draft order on p. 1. and is
for approval. L.A. may see
before issue

in
the
ar
to see

11/48

JS
LA

2/3/48
10.8.48

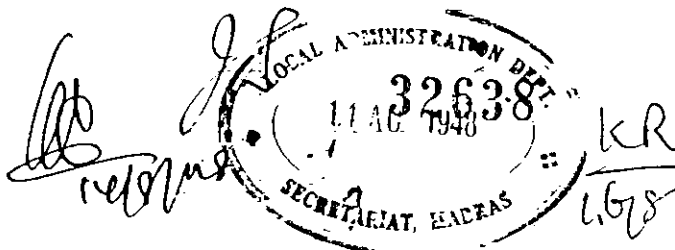
FR 54 Notice applies to a person
who has been committed to prison. This man
has been arrested & released on bail. He is
not in prison. Does this note require him to
be kept under supervision?

12/8/48

Says that all mtd. cl. have adopted F.R. 54 for
their employees.

As observed by J.S., Instruction 1 under Fundamental
Rule 54 contemplates the cases of commitments to prison only
and the question of 'relaxation' from this instr. may not
arise at all in the present case. But the man was
'arrested' and criminal proceedings are afoot against
him - Finance may be requested to advise
whether Instr. 1 under FR 54 should be extended to
cases of arrest, though let on bail subsequently,
while criminal proceedings are subsisting. L.A. may also see

13/8/48



LA Finance

be perused & passed on to Fin. Dept. w/o remarks
led from this Dept.

2 of P.H. 2-6
N. 58751-1.3/48
P. 11
14.8.48

X A Deputy

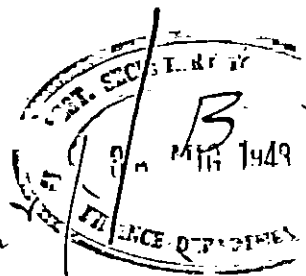
The question for consideration in this is the request of the Bellary M.L. ~~the~~ on p. 15 CF - viz. that F.R. 54 (Instr. 1) may be relaxed in favour of a Waterworks Supervisor who has been arrested ^{by the Police} ~~and released on~~ ^{subsequently} on a Criminal Charge and released on bail. The Council has made this request with a view to enable the Supervisor to rejoin duty as it considers his assistance quite essential in the interest of water supply to the town. The S.E. and the C.E. (Genl) do not support the request of the Commr. The S.E. suggests that the Commr. may be asked to fill the post by resorting to admeasurement or by transfer from a neighbouring mty.

The J.S. of F & PH Dept. has raised the question whether the instruction under F.R. 54 requires ~~that~~ the Supervisor to be kept under suspension. It is submitted that this instruction does not so require. It only lays down how a servant who has been committed to prison should be treated for the purpose of granting subsistence grant & pay & allowances. This rule is no bar to entertain in office an accused in a Criminal Case who has not

~~2/23R~~

been suspended by the executive authority - vide rule 6 of the rules relating to appointment & punishment of ml servants.

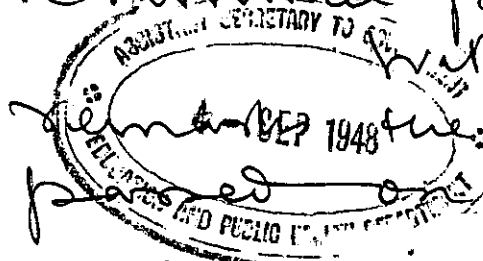
The question of relaxation of the instruction under FR 54 does not ~~arise~~ therefore arise in the present case. The Comm ~~Council~~ is competent to employ the water works Supervisor so long as he is available for appointment and so long as the Comm^t does not propose to suspend him pending termination of the criminal proceedings.



8077968

Jagjee

25/8



With the above the file may be placed ~~over~~ to Finance.

24/8/48

25/8/48

I think he really must be

allowed to retain his services, (when we are hard up for technical subordinate officers). The offence for which he

has been prosecuted does not involve any moral turpitude, ~~therefore~~ he ought to be continued in service.

offence was more technical than moral.

25/8

Dr.

Finance (C.S.R)

26/26

This dept. may agree with the views of L. A. ~~sent at A~~ ~~sent at A~~ above.

65767

32638.1
26.8

B above is accepted. The question of relaxation of F.R. 54 does not arise once the officer is released on bail. There is no objection to his being continued in service & on duty.

3/9

E-PH.

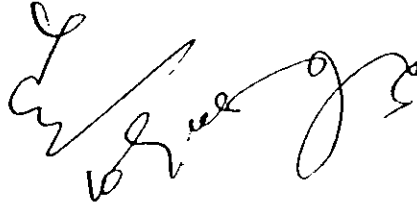
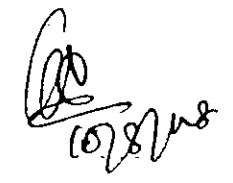
8077968

24/9/48

2 of P.H.2.

The notes of L.R.
and Finance on p-p 3-4 ^{may} be perused. ^{endorse the} They ~~keep saying~~
^{view of this dept. -} ~~also agree with~~ 'B' on p 4 note.
A revised draft-order is
submitted for approval

av.
9548

 
10/28/48